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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/293,490

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TOSHIKAZU YOMEYAMA

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02/25/2005

IPSOLON LLP

805 SW BROADWAY, #2740

PORTLAND, OR 97205

EXAMINER

HANNETT, JAMES M

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/293,490

Applicant(s)

YOMEYAMA, TOSHIKAZU

Examiner

James M Hannett

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 4-9 is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

In view of the Appeal filed on 12/23/2004, PROSECUTION IS HEREBY REOPENED. The examiner agrees with the applicant that USPN 6,130,420 Tanaka et al cannot be used as prior art against the present invention. The examiner has therefore, dropped the grounds of rejection for Claims 1, 2, 4-14.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's arguments, see Appeal, filed 12/23/2004, with respect to claims 1, 2, 4-9 have been fully considered and are persuasive. The rejection of Claims 1, 2, 4-9 has been withdrawn.

Applicant's arguments, see Appeal, filed 12/23/2004, with respect to the rejection(s) of claim(s) 10-14 under Tanaka et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2003/0030729 Prentice et al.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2003/0030729 Prentice et al.

2: As for Claim 10, Prentice et al teaches on Paragraphs [0021-0026] and depicts in Figures 1 and 4 A solid-state camera device having a plurality of photoelectric pixels (20) arranged in a matrix along rows and columns (see Figure 4) and a reading scanning circuit (28) that selects and reads photoelectric pixels, the improvement comprising: means for reading a reduced pixel (Figure 4) set comprising plural spaced-apart horizontal rows of pixels and plural spaced-apart vertical columns of pixels, the horizontal rows being arranged substantially completely across the matrix in a vertical direction and the vertical columns being arranged substantially completely across the matrix in a horizontal direction.

3: In regards to Claim 11, Prentice et al teaches on Paragraphs [0021-0026] and depicts in Figures 1 and 4 a solid-state camera device having a color pixel matrix including a plurality of photoelectric pixels of different colors (20) arranged in a first sequence of colors along rows and columns. The first sequence of colors is viewed by the examiner as the depicted Bayer arrangement as seen in Figure 4.,the improvement comprising, a reading scanning circuit (28) that reads pixels by selecting a reduced pixel set (motion mode of operation) of the photoelectric pixels in the color pixel matrix, the reduced pixel set including at least omitted rows of pixels or

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omitted columns of pixels (non shaded pixels depicted in Figure 4) and having a color sequence that is substantially similar to the first sequence of colors (Bayer arrangement). The examiner points out that when the reduced pixel set is read out the camera reads out pixel data from the 2x2 Bayer arrangement. Therefore, the sequence of color vertically and horizontally are substantially similar. The examiner notes that substantially similar is not viewed to means identical.

4: As for Claim 12, Prentice et al depicts in Figure 4 the reduced pixel set (shaded pixels) includes omitted rows of pixels and omitted columns of pixels. Prentice reads out a reduced set of pixels for the CCD image sensor for a motion mode of operation. This data corresponds to every other 2x2 matrix of pixels that corresponds to the Bayer color arrangement. Therefore, the region of the image that includes the subset also includes within the region the omitted pixels that correspond to the non-shaded pixels in Figure 4.

5: In regards to Claim 13, Prentice et al teaches on Paragraphs [0021-0026] and depicts in Figures 1 and 4 An electronic camera, comprising: a camera lens (18) that receives image light from a photographic object, a display (16), a solid-state camera device (20) having a plurality of photoelectric conversion pixels arranged in a matrix of rows and columns (see Figure 4) so that light received by the camera lens (18) is incident on the matrix, and a scanning circuit (28) that can read full image information from the photoelectric pixels (20) by sequentially selecting all photoelectric pixels (still mode of operation Paragraph [0026]), and can read a reduced set of image information (shaded pixels in figure 4) from the photoelectric pixels (20) by selecting spaced-apart rows of the matrix with omitted rows between them and spaced-apart columns of the matrix with omitted columns between them (motion mode of operation paragraph [0026]);

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and a controller (28) can control the camera device to obtain and record (memory 34) full image information of the entire plurality of photoelectric pixels (still image mode) and can control the solid-state camera device to display (monitor 16) the reduced set of image information (this image information corresponds to the image data displayed on the monitor for motion image capture). Prentice et al teaches that for motion image capture the image data that is captured and displayed on the display (16) originates from the subset of pixels that correspond to the shaded pixels in Figure 4.

6: As for Claim 14, Prentice et al teaches on Paragraphs [0021-0026] and depicts in Figures 1, 4 and 7 an electronic camera, comprising: a camera lens (18) that receives image light from a photographic object, a solid-state camera device having a plurality of photoelectric conversion pixels (20) arranged in a matrix of rows and columns (Figure 4) so that light received by the camera lens (18) is incident on the matrix, and a scanning circuit (28) that reads image information from the photoelectric pixels (20) by a first sequence of selecting each photoelectric pixels (the still image capture mode outputs and saves the image information from all of the pixels Paragraph 0026]) and by a second sequence of selecting spaced-apart rows of the matrix with omitted rows between them and spaced-apart columns of the matrix with omitted columns between them (the motion image capture mode captures a reduces set of image data that corresponds to the shaded pixels depicted in Figure 4 see Paragraph [0026]), thereby reducing the number of photoelectric pixels that are read; Prentice et al teaches on Paragraph [0056-0059] and depicts in Figure 7 that the reduced set of image data (sub-sampled RGB data) is used to perform an automatic exposure operation. Therefore, Prentice teaches an exposure controller (112) receives image information (sub-sampled RGB data acquired during motion image

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capture) and sets exposure conditions (116 and 118) of the solid-state camera device. Prentice teaches and a controller (38) that controls the solid-state camera device such that the scanning circuit (28) selects photoelectric pixels (20) by the first sequence (still image capture mode) when the image information is recorded (still image capture mode) and selects photoelectric pixels by the second sequence (reduced pixel readout mode used for motion image capture) when providing image information to the exposure control (112). Prentice teaches that the reduced set of image data that corresponds to the image data depicted in Figure 4 is used for automatic exposure control see paragraph [0056].

***Allowable Subject Matter***

7: Claims 1, 2, and 4-9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach the use of a vertical scanning and horizontal scanning circuit which contain respective group scanning circuits that select successive groups each containing a plurality of rows or columns respectively. The prior art further does not teach that the selector circuits selects selecting at least one desired row or column respectively to provide a row/column pixel set.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612

JMH  
February 18, 2005

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2500